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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

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9 Daniel L Whigham,

No. CV-24-02579-PHX-DJH

10 Petitioner,

ORDER

11 v.

12 Jason Gunther,

13 Respondent.

14

15 Before the Court is Petitioner Daniel L Whigham’s Petition for Writ of Habeas
16 Corpus pursuant to 28 U.S.C. § 2241 (“Petition”) (Doc. 1) and United States Magistrate
17 Judge John Z. Boyle’s Report and Recommendation (“R&R”) (Doc. 15) recommending
18 the Petition be denied and dismissed without prejudice for failure to prosecute. Judge
19 Boyle apprised the parties that they had fourteen (14) days to file objections to his R&R.
20 (*Id.* at 5). That deadline has passed and neither party has elected to file an objection. The
21 Court has reviewed the R&R and agrees with its findings. It particularly finds that a
22 dismissal without prejudice is prudent and warranted here.

23 Accordingly,

24 **IT IS ORDERED** that the R&R (Doc. 15) is **adopted** as the Order of this Court.
25 Petitioner Daniel L Whigham’s Petition for Writ of Habeas Corpus pursuant to 28 U.S.C.
26 § 2241 (Doc. 1) is **denied** and this matter shall be **dismissed without prejudice**.

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1 **IT IS FURTHER ORDERED** that the Clerk of Court is directed to close and
2 terminate this case.

3 Dated this 1st day of July, 2025.

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A handwritten signature in black ink, appearing to read "Diane J. Humetewa", is written over a horizontal line. The signature is fluid and cursive, with "Diane" and "Humetewa" being the most distinct parts.

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6 Honorable Diane J. Humetewa
7 United States District Judge